

REMARKS

As an initial matter, Examiner Fontaine is thanked for her careful review of the present patent application.

By way of background, the invention is directed towards starches that are soluble in cold water. The independent claims have been amended in a non-narrowing way to specify that the starches have a solubility of greater than 90%, the solubility being discussed at pages 6 and 7 of the specification of the present application. Applicants do not intend this amendment to be narrowing, nor do applicants intend any change of scope in the claims by virtue of making this amendment. The amendment is made for purposes of clarity. No new matter has been added by way of the foregoing amendments.

The Section 102(b)/103 rejection is respectfully traversed. The principal reference is Altieri et al. U.S. Patent 5,849,233. Contrary to the assertion made in the Office Action, Altieri does not disclose an extruded starch product that has the claimed solubility. To the contrary, Altieri discloses a starch that is not cold-water soluble. Altieri is directed towards extrusion of any number of starches, including insoluble non-derivatized starch and other starches, and hence, Altieri cannot anticipate any of the pending claims. To the extent the reference teaches a hydroxyalkyl starch, there is no teaching that such starch is soluble. The Office Action asserts that the teaching as to the cold-water solubility of the starch of Altieri may be found in the Abstract of this reference, but applicants respectfully submit that nowhere in the Abstract nor anywhere else in the reference can there be found any teaching or suggestion of a cold-water soluble starch.

Moreover, the reference cannot be said to suggest a soluble starch. Altieri is completely silent as to the solubility of the resultant starch product that is obtained upon extruding the starting material. The word "soluble" is not even found in the reference.

Simply put, this reference does not teach or suggest that a cold-water soluble starch within the purview of the invention may be prepared. As such, the reference cannot support a Section 102 or 103 rejection.

The secondary reference, Dudacek et al., U.S. Patent 6,001,408, is relied on solely for secondary features of claims 7 and 33. Given the deficiencies of Altieri, this reference is not seen to provide any teaching or suggestion of the claimed invention, even when considered together with the principal reference.

For these reasons, withdrawal of the Section 102 and 103 rejections is respectfully solicited.

An Information Disclosure Statement accompanies this reply. None of the references submitted in the Information Disclosure Statement are seen to teach or fairly suggest the present invention, whether considered alone or in the context of any of the other references or any of the references already of record in this case.

CONCLUSION

For the foregoing reasons, Applicants respectfully request that this application be passed to issuance.

Respectfully submitted,



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